

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 21ST AUGUST 2007 / 30TH SRAVANA 1929

Bail Appl..No. 5069 of 2007()

CMP.3268/2007 of J.M.F.C.-I, ALUVA
CRIME NO.1099/06 OF ALUVA POLICE STATION
.....

PETITIONER/2ND ACCUSED:

JINEESH @ JINAPPI,
S/O.RAJAN, VAYALUPPADAM HOUSE,
THATHAPPILLY, KIZHAKKEPRAM, KOTTUVALLY,
PARAVUR TALUK.

BY ADV. SRI.RAJIV NAMBISAN

RESPONDENT/COMPLAINANT:

STATE OF KERALA REPRESENTED BY
GOVT.PLEADER, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 21/08/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J.

B.A.No.5069 of 2007

Dated this the 21st day of August 2007

O R D E R

Application for regular bail. Petitioner is the second accused. He faces allegations inter alia under Section 395 I.P.C. The crux of the allegations is that the petitioner is one of the three persons who proceeded to the scene of the crime in furtherance of prior concert. There, one of the three (not the petitioner) allegedly stopped the de facto complainant who was proceeding on his motor cycle carrying with him a large amount of cash and costly ornaments. The de facto complainant was attacked and the gold ornaments and currency which he was carrying were forcibly taken away by the said accused. The petitioners, who were waiting in the motor cycle, allegedly sped away from the scene of the crime when the actual miscreant returned to the motor cycle. There is a further allegation that some of the other co-accused had also reached the scene at the time of the crime. The incident took place on 24/8/2006. The petitioner was arrested on 09/07/2007. It is the case of the prosecution that the petitioner has subsequently been identified by the de facto complainant. The petitioner continues in custody from 9/7/2007.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. He has no record of any criminal antecedents. He has been unnecessarily brought on the array of

accused. At any rate, the petitioner who has remained in custody from 9/7/2007 does not now deserve to be in custody. He may be enlarged on bail subject to appropriate conditions, prays the learned counsel for the petitioner.

3. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that sufficient data has already been collected to implicate the petitioner. Some of the co-accused have not been apprehended so far at this early stage of investigation. The petitioner is not entitled to be released on bail, urges the learned Public Prosecutor. Case diary has been produced before me for my perusal. Having considered the case diary, I find merit in the opposition by the learned Public Prosecutor. I agree with the learned Public Prosecutor that it is too early to consider the release of the petitioner on bail.

4. In the result, this petition is dismissed. However, I may hasten to observe that the petitioners shall be at liberty to move this court for bail again at a later stage of the investigation not, at any rate, prior to 04/09/2007. The investigating officer shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

jsr

// True Copy//

PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007